

SEP 19 2007

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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 1033-T00523	
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		First Named Inventor Philip Kortum, et al.	
		Art Unit 2157	Examiner NANO, Sargon N.
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.			
This request is being filed with a notice of appeal.			
The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>38,342</u> <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____		<u><i>Jeffrey G. Toler</i></u> Signature <u>Jeffrey G. Toler</u> Typed or printed name <u>512-327-5515</u> Telephone number <u>9-19-2007</u> Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			
<input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Applicant(s): Philip Kortum, et al.

Title: FIREWALL SWITCHING SYSTEM FOR COMMUNICATION SYSTEM
APPLICATIONS

App. No.: 10/605,474

Filed: October 1, 2003

Examiner: NANO, Sargon N.

Group Art Unit: 2157

Customer No.: 60533

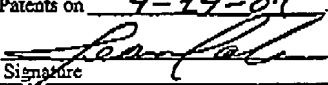
Confirmation No.: 2473

Atty. Dkt. No.: 1033-T00523

Mail Stop AF
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450REMARKS IN SUPPORT OF PRE-APPEAL BRIEF REQUEST FOR
REVIEW

Dear Sir:

In response to the Final Office Action mailed June 27, 2007, and further pursuant to the Notice of Appeal and Pre-Appeal Brief Request for Review submitted herewith, Applicants respectfully request review and reconsideration of the Final Action in view of the following issues.

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Commissioner for Patents on <u>9-19-07</u>	
<u>Jeancaux Jordan</u>	
Typed or Printed Name	Signature

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REMARKS

The Office Action rejected claims 1-20 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,990,591 (Pearson). Applicants respectfully traverse the rejections.

A. Claims 1-11

None of the cited references, including Pearson, discloses or suggests the specific combination of claim 1. For example, Pearson does not disclose or suggest a system including "at least one interface mode adjustment switch having a plurality of physical operating mode positions" or "wherein the at least one interface mode adjustment switch is dedicated for use with the controller to selectively determine passage of material content" as recited in claim 1.

Pearson discloses a system including a computer 102 connected to the Internet 108 through a communication device 106 such as a gateway or firewall. The communication device 106 is remotely configured and monitored. (Fig. 1; col. 6, lines 5-9; col. 2, lines 38-42). An onscreen user interface 214 (shown in Figs. 4A and 4B) can be accessed by a user via the Internet for setting the communication device security policy. (Col. 9, lines 35-40). The user is prompted to enter information in different fields of the interface 214 by typing in these fields, or selecting buttons. (See, e.g., col. 9, line 65 to col. 10, line 8; Figs. 4A and 4B). The user interface 214 includes three user selectable radio buttons 222a, 222b, 222c, representing high, medium, and low levels of computer network security. The user can configure the security policy for communication device 106 by pointing to and selecting one of the radio buttons displayed on the user computer screen. (Col. 10, lines 38-66). Thus, the user selects and inputs information in the onscreen user interface 214 using standard computer input devices like a mouse and keyboard. (See, e.g., col. 9, line 65 to col. 10, line 8).

In contrast to claim 1, Pearson does not disclose or suggest a system including "at least one interface mode adjustment switch having a plurality of physical operating mode positions" or "wherein the at least one interface mode adjustment switch is dedicated for use with the controller to selectively determine passage of material content." Pearson's onscreen interface 214 does not include any physical operating mode positions. In addition, Pearson's onscreen interface 214 is not a switch dedicated for use with a controller to selectively determine passage

of material content. Pearson discloses selection of onscreen radio buttons 222a, 222b, 222c by a user using standard computer input devices like a mouse and keyboard that are capable of a variety of uses with the computer, and are not dedicated for use with a controller, much less a controller for selectively determining passage of material content. Nowhere does Pearson disclose or suggest a system wherein an interface mode adjustment switch has a plurality of physical operating mode positions or is dedicated for use with a controller to selectively determine passage of material content. Hence, claim 1 is allowable over Pearson.

Claims 2-11 depend from claim 1, which Applicants have shown to be allowable. Hence, Pearson fails to disclose at least one element of each of claims 2-11. Accordingly, claims 2-11 are also allowable, at least by virtue of their dependence from claim 1.

B. Claims 12-15

None of the cited references, including Pearson, discloses or suggests the specific combination of claim 12. For example, Pearson does not disclose or suggest a system including "at least one interface mode adjustment switch having a plurality of operating mode selections comprising a learning mode selection ... wherein in the learning mode the controller is able to reduce the security level for tasks without requiring a user to make adjustments in said interface" as recited in claim 12.

Pearson discloses three security levels (high, medium, and low) that can be selected by the user. (Col. 10, lines 55-60). The high, medium, and low security levels each monitor for different types of predetermined threats and provide certain predetermined responses thereto. (Col. 11, lines 8-20). In contrast to claim 12, Pearson does not disclose or suggest any learning operating mode. Moreover, Pearson does not disclose or suggest how such a learning mode could operate. In particular, the reference does not disclose or suggest a learning mode in which the controller is able to reduce the security level for tasks without requiring the user to make adjustments in the interface. Claim 12 is therefore patentable over Pearson.

Claims 13-15 depend from claim 12, which Applicants have shown to be allowable. Hence, Pearson fails to disclose at least one element of each of claims 13-15. Accordingly, claims 13-15 are also allowable, at least by virtue of their dependence from claim 12.

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Attorney Docket No.: 1033-T00523

C. Claims 16-20**SEP 19 2007**

None of the cited references, including Pearson, discloses or suggests the specific combination of claim 16. For example, Pearson does not disclose or suggest a method comprising "selecting a material content passage operating mode via at least one physical interface mode adjustment switch that is dedicated for use in selecting the material content passage operating mode" as recited in claim 16.

As previously discussed, Pearson discloses an onscreen user interface 214 (shown in Figs. 4A and 4B) through which the user is prompted to enter information by typing in different fields and selecting onscreen buttons in the interface 214. (See, e.g., col. 9, line 65 to col. 10, line 8; Figs. 4A and 4B). The onscreen interface 214 is thus not a physical interface mode adjustment switch. Pearson, therefore, does not disclose or suggest selecting a material content passage operating mode via at least one physical interface mode adjustment, as recited in claim 16. Moreover, Pearson does not disclose or suggest at least one physical interface mode adjustment switch that is dedicated for use in selecting the material content passage operating mode. Pearson discloses text input and selection of radio buttons using standard computer input devices such as a mouse or keyboard that are capable of a variety of uses with the computer, and are not dedicated for use in selecting the material content passage operating mode. Nowhere does Pearson disclose or suggest selecting a material content passage operating mode via at least one physical interface mode adjustment switch that is dedicated for use in selecting the material content passage operating mode. Hence, claim 16 is allowable over Pearson.

Claims 17-20 depend from claim 16, which Applicants have shown to be allowable. Hence, Pearson fails to disclose at least one element of each of claims 17-20. Accordingly, claims 17-20 are also allowable, at least by virtue of their dependence from claim 16.

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CONCLUSION

Applicants have pointed out specific features of the claims not disclosed, suggested, or rendered obvious by the references applied in the Office Action. Accordingly, Applicants respectfully request reconsideration and withdrawal of each of the objections and rejections, as well as an indication of the allowability of each of the pending claims.


Any changes to the claims in this amendment, which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

The Examiner is invited to contact the undersigned attorney at the telephone number listed below if such a call would in any way facilitate allowance of this application.

The Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

9-19-2007
Date


Jeffrey G. Toler, Reg. No. 38,342
Attorney for Applicant(s)
TOLER SCHAFFER LLP
8500 Bluffstone Cove, Suite A201
Austin, Texas 78759
(512) 327-5515 (phone)
(512) 327-5575 (fax)